IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 909 of 2007()

(IN CRIME NO.839/2006 OF VAIKOM POLICE STATION)

PETITIONER:

K. VINAYAKUMAR, AGED 38 YEARS,
S/O.LATE P.V.KARUNAKARAN,
PUTHENTHARA HOUSE, PALLIPURATHUSSERY P.O.,
VAIKOM.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SMT.A.PARVATHI MENON
SRI.P.SANJAY

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
(THE SUB INSPECTOR OF POLICE,
VAIKOM POLICE STATION, VAIKOM.)

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007 ALONG WITH B.A.NO.910, 911 AND 912 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos. 909, 910, 911 and 912 OF 2007

Dated this the 20th day of February, 2007

O R D E R

The common petitioner in all these applications for anticipatory bail is the 3rd accused in Crime No.839/2006, second accused in Crime No.710/2006, second accused in Crime No.727/2006 and second accused in Crime No.850/2006 of Vaikom Police Station, all registered for an offence punishable under section 420 read with section 34 IPC.

2. The learned Public Prosecutor opposed the applications submitting, inter alia, that the petitioner and the other accused in the case have collected more than two crores of rupees from various investors promising to pay higher rates of interest and have not returned the money. The learned Public Prosecutor also submitted that eventhough this court had granted anticipatory bail to the petitioner, who was the first accused in Crime No.335/2006 as per the order dated 31.8.2006 in B.A. No.4058/2006 wherein an opportunity was given to settle the matter with the creditors, the petitioner has not co-operated with the same.

3. Having regard to the facts and circumstances of the case, anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the

Investigating Officer and then to have his application for regular bail considered expeditiously by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 26.2.2007 and 28.2.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced before the Magistrate concerned on the same day. The Magistrate shall consider and dispose of the applications, if any, for regular bail filed by the petitioner, preferably on the same date on which they are filed.

These applications are disposed of as above.

(V. RAMKUMAR, JUDGE)

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